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IRAN: Debate on the Draft Constitution

The divisive debates during the past two months over procedures for ratifying Iran's draft constitution have provoked the most pointed criticism of Ayatollah Khomeini's leadership from secular and liberal political leaders since the revolution began and have threatened to split the Iranian Islamic clerical establishment. As the debate over the substance of the constitution proceeds during the coming month, the conflict between Khomeini and the numerous political organizations, ethnic minority groups, and more moderate clerical leaders will grow in intensity. (C)

The timetable for the long-delayed final promulgation of the constitution and the election of the first government of the Islamic Republic remains unclear. The present Provisional Government (PGOI) of Prime Minister Mehdi Bazargan has apparently adopted the view that the best solution to the continuing problem of establishing government authority and getting government programs under way is to move as rapidly as possible to end its own term of office and see a regularly elected government installed in its place. (C)

PGOI officials hope that following a month during which an elected assembly will consider proposed amendments to the constitution, a national referendum will be held for final passage of the constitution. Elections for the new government are to be held shortly thereafter some time in September. Foreign Minister Ibrahim Yazdi told American officials in Tehran in mid-June that once this procedure is completed, the Revolutionary Council and the Revolutionary Committees will be dissolved, clarifying the presently confused division of authority between the government and the committees. (C)

Foreign Minister Yazdi's hopes for an early resolution of the conflict between the government and the committees are unlikely to be realized. The rebuilding of government security forces and the enforcement of the government's authority down to the local level is certain to be a long and often uncertain process. Moreover, despite Ayatollah Khomeini's desire to see the quick promulgation of a constitution which will safeguard his vision of Iran as an Islamic Republic, and the PGOI's wish to end its own problems by being replaced by an elected government, the chances for

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passage of the constitution and installation of an elected government on the timetable presently envisioned are only slightly better than even. (C)

The present draft of the constitution is noticeably vague on contentious issues such as freedom of the press and women's rights. The long simmering problems of defining basic freedoms, drawing the boundaries of legal political activity, and ensuring religious freedom and minority rights--which receive equally ambiguous treatment in the draft constitution--will provoke sharp debate, and the possibility of violence among the disaffected groups will remain high. (C)

Debate on Ratification Procedures

The country-wide elections in Iran now scheduled for 3 August to select a 75-member "Assembly for the Final Examination of the Constitution" are the result of a compromise reached in the divisive debate over procedures for ratifying the new constitution. Following a storm of protest over Ayatollah Khomeini's attempt in late May to speed ratification by doing away with an elected assembly, the government in early July announced the promulgation of regulations establishing a complicated system of supervisory committees to consider nominations and conduct elections. Despite Khomeini's apparent concession to those who demanded an elected body to consider the draft constitution, the provisions of these regulations requiring candidates to accept the principles of the Islamic Republic and to have a sufficient knowledge of Islamic law, together with Khomeini's admonitions that the right to criticize the draft constitution belongs above all to religious figures, ensure that Khomeini's Islamic Movement will play a dominant role in the ratification process. (C)

Khomeini's attempt to forego an elected assembly in favor of an appointed "Council of Experts" to make final changes in the draft constitution drew sharp criticism from a broad range of secular political groups and threatened to split the religious movement into opposing camps behind Khomeini and the more moderate Ayatollah Shariat-Madari. This protest, the most pointed criticism of Khomeini to surface publicly since the revolution began, revealed the extent of the social and political cleavages between Khomeini's Islamic Movement and the more secular leadership groups now opposing Khomeini, and exposed fissures in the Islamic clerical establishment itself which could widen as debate on the constitution proceeds. (C)

Social and political groups opposing Ayatollah Khomeini and domination of the constitutional ratification process by the Islamic Movement include:

- Liberal, modernist leaders associated with the modern sector of the economy, professionals, and intellectuals. Hassan Nazih, for example, the Managing Director of the National Iranian Oil Company (NIOC) and head of the Iranian Lawyers' Association, on 28 May directly criticized Khomeini's attempt to ensure domination of the constitutional ratification process by the Islamic Movement. Mohammad Beheshti, an Islamic cleric and close Khomeini confidant who is often cited as a member of the Revolutionary Council, then denounced Nazih and reportedly said that the NIOC chief and other "semi-intellectuals" should be put on trial "to find out what their motive is when they say Islam cannot come up with the solutions to our problems." Nazih countered that Beheshti should be put on trial for libel.
- The National Front. Karim Sanjabi, a leader of the Front's Executive Committee, called for the election of a full, 350-member Constitutional Convention.
- The National Democratic Front. The NDF released a public letter on 2 June charging Khomeini with fostering dictatorship, suppressing different ideologies, and allowing people to threaten and attack writers, publications, and bookshops.
- The People's Fedayeen Organization. The leftist Fedayeen charged that Khomeini had now revealed the anti-democratic nature of his movement. (C)

Ayatollah Khomeini responded to this criticism on 16 June by charging that the demands for an elected Constituent Assembly constituted a "plot" to delay promulgation of the constitution. The enemies of Islam, he claimed, could subvert the revolution during the two or three years which would be required for a large assembly to complete debate on the draft constitution. His strident rhetoric raised the pitch of the debate and on 22 June Islamic militants broke up a meeting of the National Democratic Front called at Tehran University to criticize the ratification procedures. (C)

The most serious disaffection from Khomeini's leadership, however, came from within the Islamic clerical establishment:

- Ayatollah Talaqani, the leading Tehran cleric who commands a wide following in the capital which includes support from leftist groups, said in early June that he would not accept nomination for the presidency of the Islamic Republic if it were offered to him. Talaqani remarked that the place for the Islamic clergy was in the mosques rather than in official positions, and that as the Army and police were restored the clergy should disassociate themselves from the Revolutionary Committees. (C)
- Ayatollah Shariat-Madari, whose strongest base of support is among the Turkish ethnic groups of Azerbaijan but who is regarded as the preeminent Islamic scholar in Iran, and therefore senior to Khomeini in purely clerical terms, moved briefly into direct opposition to Khomeini on the issue of constitutional ratification. Shariat-Madari's political party, the Moslem People's Islamic Republic Party, formed in early May, issued a manifesto on 29 May calling for a full Constituent Assembly and directly attacking the idea of an appointed Council. The party called for nationwide marches on 15 June in support of "democracy, freedom of expression, and freedom of the press." As tensions mounted between Shariat-Madari and Khomeini, however, with violence between their opposing groups of followers becoming a possibility, Shariat-Madari called off the marches. (C)

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Ayatollah Shariat-Madari's warning to Khomeini that the constitution must ensure the rights of minority groups reflected the already active movements by minority leaders to force amendments to the constitution. Two groups have been particularly active:

- The Kurds. Kurdish leader Sheikh Ezzeddin Hosseini warned in early June that a "bloodbath" would result if minority rights were not guaranteed by the new constitution. (C)
- The Arabs. Sheikh Shobeir Khagani, the spiritual leader of the Arabs in Khuzestan who reportedly is now being held in protective custody by Khuzestan Governor-General Ahmad Madani, has sent repeated warnings to Prime Minister Bazargan that violence will result if Arab demands are not recognized. (C)

The Draft Constitution

The proposed constitution for the Islamic Republic of Iran contains provisions for a president with extensive powers to be elected for a maximum of two four-year terms, a 270-member Majlis which will ratify the appointment of a relatively weak prime minister and cabinet, and an independent judiciary. A key feature of the Islamic Republic will be a "Council of Guardians" consisting of five religious leaders appointed by the most senior ayatollahs, and six judicial experts--three university professors and three supreme court judges--appointed by the Majlis. The Council, which has a term of ten years, is empowered to investigate the conformity of laws to religious principles. (C)

Although the institutional design of the Republic is likely to be challenged--National Front Leader Dr. Shayegan, for example, has argued that the president should be a figure-head while executive power should rest with the prime minister and Cabinet who are accountable to the Majlis--debate on the draft will be directed at more general provisions. These include:

- Article 13 which establishes the Jafari sect of Islam (Ithna'ashri, or "Twelver" Shiism) as the official religion.
- Article 23 which establishes a free press except "in the publication of material contrary to public morality or insulting to religious precepts."
- Article 26 which provides for the formation of political parties "provided such parties do not violate the principles of national independence, freedom, sovereignty and unity, and provided they do not contradict the basis of the Islamic Republic."

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--Article 74 which establishes regional councils, locally elected in the province, but does not respond to minority demands for autonomy. (C)

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